

HOUSE BILL 1853

By Boyd

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 12; Title 39; Title 50 and Title 67, relative to  
immigration.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-1-103, is amended by deleting subsection (c) and by deleting subsection (b) and substituting:

(b) A person shall not knowingly employ, rehire, recruit, or refer for a fee for employment an illegal alien.

SECTION 2. Tennessee Code Annotated, Section 50-1-703(b), is amended by deleting the subsection and substituting:

(b) Notwithstanding subdivision (a)(1)(B), private employers with twenty-five (25) or more employees, on or after January 1, 2023, shall comply with the requirements in subdivision (a)(1)(B)(ii); provided, that those employers are only required to use the E-Verify program to verify the work authorization status of employees hired on or after January 1, 2023.

SECTION 3. Tennessee Code Annotated, Section 50-1-703(a)(6), is amended by deleting the subdivision and substituting:

(6)

(A) There is created within the department the office of employment verification assistance. The department is authorized to enter into a memorandum of understanding or other agreement required by the E-Verify program to operate this office.

(B) If an employer does not have internet access or if an employer has less than fifty (50) employees, then the office shall, at no charge to the employer, enroll the employer in the E-Verify program or conduct work authorization status checks of the employer's employees by using the E-Verify program as long as the employer signs a prescribed form, under penalty of perjury, attesting to the employer's qualification for assistance pursuant to this subdivision (a)(6)(B) and completes paperwork required by the E-Verify program to permit the office to provide the assistance.

SECTION 4. Tennessee Code Annotated, Section 50-1-713, is amended by deleting the section and substituting:

An employer is not in violation of this part:

- (1) During a time period in which the E-Verify program is suspended or not operational; or
- (2) If the employer acts upon false results generated by the E-Verify program concerning an employee's work authorization status.

SECTION 5. Tennessee Code Annotated, Title 50, Chapter 1, Part 8, is amended by adding the following as a new section:

An employee has no civil cause of action alleging wrongful or retaliatory discharge against the employee's employer if:

- (1) The employee is not authorized to work in the United States under federal immigration laws; and
- (2) The employer was not aware that the employee was not authorized to work in the United States under federal immigration laws.

SECTION 6. Tennessee Code Annotated, Title 4, Chapter 21, Part 4, is amended by adding the following as a new section:

If an employer discovers that an employee is not authorized to work in the United States under federal immigration laws through results produced by the E-Verify program, as defined in § 50-1-702, and discharges the employee based on those positive results, then the employee does not have a cause of action for discrimination based on national origin for the discharge under this part.

SECTION 7. If a provision of this act or its application to a person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.